

**FEDERAL ELECTION COMMISSION**  
 999 E Street, N.W.  
 Washington, D.C. 20463

**FIRST GENERAL COUNSEL'S REPORT****SENSITIVE**

Audit Referral: 03-04  
 Audit Referral Date: April 22, 2003  
 Date Activated: June 9, 2003

Expiration of Statute of  
 Limitations: April 15, 2004<sup>1</sup>

**SOURCE:** AUDIT REFERRAL

**RESPONDENTS:** Democratic Party of Wisconsin Federal Account and  
 Robert Fyrst, as treasurer

**RELEVANT STATUTES  
 AND REGULATION:** 2 U.S.C. § 432(c)(5)  
 2 U.S.C. § 432(d)  
 2 U.S.C. § 438(b)  
 11 C.F.R. § 102.9(b)

**INTERNAL REPORTS CHECKED:** Audit Documents  
 Disclosure Reports

**FEDERAL AGENCIES CHECKED:** None

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**I. INTRODUCTION**

This matter was generated by an audit of the Democratic Party of Wisconsin Federal Account (the "Committee") and Robert Fyrst, as treasurer, undertaken in accordance with 2 U.S.C. § 438(b). See Attachment 1. The audit covered the period between January 1, 1999 and December 31, 2000.

<sup>1</sup> The statute of limitations is based on the earliest reporting date for sampled transactions that lacked required supporting records.

**II. FACTUAL AND LEGAL ANALYSIS**

Based upon the factual and legal analysis set forth in the audit referral, this Office recommends that the Commission find reason to believe that the Democratic Party of Wisconsin Federal Account and Robert Fyrst, as treasurer, violated 2 U.S.C. § 432(c)(5) and 11 C.F.R. § 102.9(d) by failing to maintain a receipt, invoice or cancelled check for disbursements in excess of \$200. This Office also recommends that the Commission find reason to believe that the Democratic Party of Wisconsin Federal Account and Robert Fyrst, as treasurer, violated 2 U.S.C. § 432(d) by failing to preserve records of the reported disbursements for three years.

**III. CIVIL PENALTY AND CONCILIATION AGREEMENT**

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**IV. RECOMMENDATIONS**

1. Open a MUR;
2. Find reason to believe that the Democratic Party of Wisconsin Federal Account and Robert Fyrst, as treasurer, violated 2 U.S.C. § 432(c)(5) and 11 C.F.R. § 102.9(b) by failing to maintain the required documentation for disbursements;
3. Find reason to believe that the Democratic Party of Wisconsin Federal Account and Robert Fyrst, as treasurer, violated 2 U.S.C. § 432(d) by failing to preserve records of disbursements for three years;
4. Approve the attached Factual and Legal Analysis;
5. Enter into conciliation with the Democratic Party of Wisconsin Federal Account and Robert Fyrst, as treasurer, prior to a finding of probable cause to believe;
6. Approve the attached conciliation agreement; and

7. Approve the appropriate letter.

Lawrence H. Norton  
General Counsel

Rhonda J. Vosdingh  
Associate General Counsel  
for Enforcement

2/11/04  
Date

BY:

Susan L. Lebeaux  
Susan L. Lebeaux  
Assistant General Counsel

Delbert K. Rigsby  
Delbert K. Rigsby  
Attorney

Attachments

1. Audit Referral Materials
2. Factual and Legal Analysis
3. Conciliation Agreement